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President:	Ms. Barco	(Colombia)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Wang Yingfan
	France	Mr. De la Sablière
	Guinea	Mr. Traoré
	Ireland	Mr. Corr
	Mauritius	Mr. Jingree
	Mexico	Mr. Aguilar Zinser
	Norway	Mr. Helgesen
	Russian Federation	Mr. Karev
	Singapore	Ms. Lee
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Cunningham

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2002/1300).

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The meeting resumed at 3.20 p.m.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as representative of Colombia.

I wish to begin by expressing my country's gratitude to Secretary-General Kofi Annan for his inspired words at the beginning of this meeting. I should also like to thank the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Kenzo Oshima, for his presentation of the third report on the protection of civilians in armed conflict (S/2002/1300). In addition, I should like to thank the Director-General of the International Committee of the Red Cross, Mr. Angelo Gnaedinger, for his very valuable contribution to this debate. Moreover, my delegation welcomes the participation of delegations from countries that are not Security Council members, whose ideas and recommendations will help to guide the Council's work and will contribute to the formulation of the statement that will be issued later as an outcome of this debate.

The nature of wars has changed dramatically in the past century, particularly in the past decade. In the First World War, 5 per cent of victims were civilians; in the Second World War, that figure reached 50 per cent; and in the conflicts of the final decade of the twentieth century, it exceeded 90 per cent.

We are living during not only a terrible humanitarian crisis, but a crisis in the global humanitarian legal regime. Armed conflicts have worsened. Today, terrorism has taken that worsening to its maximum — terrorist acts are brutal and unbelievably cruel.

We are here at the United Nations to preserve universal public assets: the dignity of each and every human being, the right to life and the right to live without fear. These are public assets that can be preserved only by all of us working together in cooperation. That is the dimension of our shared responsibility. Here we see the relevance of the United Nations and understand the inescapable need to strengthen it so that it is able properly to deal with such new threats.

New wars and terrorism make it clear that the problem is no longer that crimes are being committed against civilians during armed conflict, but that — and this is even worse — current armed conflicts deliberately target unarmed civilians, civilian installations and civilian means of transportation. The victims are defenceless civilians.

When the first report on this subject was presented to the Council we had not formulated clear ideas about it. But 8 September 1999 was very different from 11 September 2001. In that earlier year, other reports commissioned by the Secretary-General, such as those dealing with the fall of Srebrenica and the chilling genocide in Rwanda, made it abundantly clear that civilians were the victims of terrible atrocity. Those two terrible tragedies should have been sufficient to remind us once and for all that great humanitarian tragedies can be avoided, or at least made less severe, if we learn from our mistakes and omissions.

Indeed, the Security Council has appropriate tools to protect civilians in armed conflict, as provided for in Chapters VI and VII of the Charter, as well as in various resolutions adopted in recent years on, inter alia, conflict prevention, children in armed conflict, the illicit trade in small arms and the fight against terrorism. I would like today to highlight in particular resolution 1325 (2000), in which the Council focused on the protection of women and the role that women play in conflict prevention and peacekeeping.

Colombia agrees with the comments of the Secretary-General in the section of his report (S/2002/1300) entitled "Rule of law, justice and reconciliation", that the restoration of the rule of law is fundamental to a country's capacity to emerge from a period of conflict into a sustainable peace and that, furthermore, it is necessary to strengthen its institutions for security and justice and to protect the fundamental rights and freedoms of its people.

We also agree with the Secretary-General's comments that there can be no long-term solution to security problems until a State has a national army and a police force that are well trained, well equipped, fairly paid and operating within a framework of a fully functional criminal justice system.

Colombia associates itself with those ideas because they reflect the elements that underlie the democratic security policy advanced by President Alvaro Uribe Vélez. It is a comprehensive policy whose strategies are designed to salvage and consolidate the democratic content of the concept of security, to re-establish public order and to promote

economic and social development. The policy is also designed to ensure the presence of the State in every part of national territory, to guarantee democratic debate and to provide the security needed by individuals for their own personal development and the full exercise their fundamental rights.

The clear determination of the national Government to achieve these objectives has had a truly encouraging effect. Colombians today appear more willing to play their civic role in the re-establishment of national security and to associate themselves with the State in restoring the rule of law. Our objective is to continue demonstrating these results in the conviction that the support of society as a whole is the best way of confronting those isolated groups that have been trying to destabilize our country for decades.

The spilling over of certain domestic conflicts, or the internationalization of such conflicts as a result of their association with criminal activities, shows us that a national problem cannot always be overcome or resolved at the strictly national level. It is necessary to approach such conflicts in the context of shared responsibility if we are to deal with related phenomena such as the worldwide problem of illicit drugs. This is particularly true at a time of terrorism, which constitutes a global threat to the community of democratic nations.

I should like, therefore, to reflect briefly on one of the important elements that the Secretary-General has reported as having emerged recently in connection with the protection of civilians: the commercial exploitation and illegal financing of both conflicts and terrorism. Colombia believes that three activities form part of this commercial exploitation and illegal financing that we must learn about and combat.

The first is the prosperous criminal industry of illegal drugs in all of its stages, which is much more profitable than the trade in blood diamonds and other resources that fuel armed conflicts. The second activity is the growing kidnapping industry, which seeks large ransoms in money or property and is sometimes used as a weapon of political blackmail — a substitute for the lack of popular support for such violent groups. The third is the criminal alternative to kidnapping: the widespread use of extortion.

All of these activities target defenceless civilians. In many cases, they encourage attacks against the vital infrastructure of a country, such as water supply systems, power lines, bridges and even sites such as churches and cultural centres that have traditionally been left alone. Furthermore, they sow destruction, death and anguish and cause damage that is either irreparable or very costly, thus negatively affecting the precarious well-being of millions of civilians. The risks are greater for civilians than for those who are trained to protect them.

We the people of the United Nations have a great challenge before us. This noble institution was created, among other reasons, "to save succeeding generations from the scourge of war ... and to reaffirm faith in fundamental human rights, in the dignify and worth of the human person".

In this mission, we have made undeniable achievements. Today there is an entire culture of human rights and respect for life, which we must now defend against new forms of violence and terrorism. We will make every sacrifice and spare no effort in continuing to proclaim and safeguard these universal public assets.

In this commitment, the global anti-terrorist legal regime, and in particular resolution 1373 (2001), must be swiftly, fully and rigorously complied with. Thus the certainties that crumbled on 11 September will begin to reassert themselves. Barbarity cannot be allowed to impose the cruelty of its methods.

Our commitment to combat all forms of barbarity must prevail. Our ideals must prevail also, so that our work is not so much protecting civilians in armed conflict, but rather preventing, in a timely way, intra-State and inter-State armed conflicts. We must work relentlessly in our campaign to eradicate the scourge of terrorism.

Colombia agrees with the idea that there is a shared responsibility in the lofty task of protecting human dignity. It is a responsibility that our country assumes with full determination.

I now resume my functions as President of the Security Council.

The next speaker inscribed on my list is the representative of Denmark. I invite her to take a seat at the Council table and to make his statement.

Ms. Løj (Denmark): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the

European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta and Turkey, as well as the European Free Trade Association (EFTA) country member of the European Economic Area — Iceland — align themselves with this statement.

I would like to start by congratulating you, Madam President, on Colombia's presidency of the Council for the month of December.

Furthermore, I would like to thank the Secretary-General and the Emergency Relief Coordinator, Mr. Oshima, for having introduced the report before us. Their statements and the report itself provide good insights into the challenges facing us in our endeavours to address the question of how to protect civilians in armed conflict.

The European Union welcomes the recommendations contained in the Secretary-General's report. Together with the recommendations in the two previous reports, they provide a good basis for further action. The roadmap will provide a solid basis for the further development of the concept of the protection of civilians in armed conflict.

The European Union welcomes the recent initiatives taken by the Security Council, as well as by other United Nations bodies, to discuss the issue of the protection of civilians in armed conflict in relevant forums such as the Security Council's workshop on the Mano River Union in July. As stated by the Secretary-General in his report, the effective protection of civilians is critical for making peace processes succeed. The issue must remain at the top of our agenda.

During the First World War, 95 per cent of the victims were soldiers. In the wars of the twenty-first century, this is no longer the case. Today civilians — most often women and children — rather than combatants are the casualties of conflicts. We should therefore be aware, in discussing how to protect civilians in armed conflict, of the particular danger to which women and children are exposed.

Recent discussions on the follow-up of Security Council resolution 1325 (2000) have shown that we need to strengthen efforts to ensure gender mainstreaming in peacekeeping operations and in post-conflict reconstruction. The insights that women can provide are not always utilized to their fullest. Equal participation of women in our peacekeeping and peace-building efforts could help to ensure that the special vulnerabilities of women are taken into account. Furthermore, women can play an important role in brokering durable peace through their participation in peace operations and negotiations.

It is a cruel fact that armed conflicts affect a large number of children in many parts of the world. Many of them are uprooted from their homes, maimed or killed. Others are orphaned, abused and exploited. Protecting children in times of conflict is therefore crucial, both to alleviate suffering and to safeguard the future generations of the countries concerned. The European Union welcomes the efforts of the Secretary-General and of the Council itself to respect the need to protect children when formulating the mandates for United Nations peacekeeping and peace-building operations. Including child-protection staff in peacekeeping and peace-building operations is a promising new element in these efforts, as is the effort to strengthen the expertise available for these operations in the areas of human rights and of humanitarian and refugee law.

According to the Secretary-General, 31 million people — more than the populations of all of the Nordic countries combined — have been uprooted and displaced by conflict during the last decade. Many do not get a chance to return to their homes before a new violent conflict erupts. We need to ensure special protection for these internally displaced persons, particularly in times of armed conflict.

It is encouraging that an increasing number of States, United Nations organizations and regional and non-governmental organizations are making use of the Guiding Principles on Internal Displacement to strengthen the legal framework on the protection of internally displaced persons. We encourage all States and organizations to ensure a coherent implementation of these Guiding Principles. We also welcome the Agenda for Protection recently presented by the Office of the United Nations High Commissioner for Refugees (UNHCR), and look forward to cooperating in the process of its implementation.

Combatants mixing with refugees and internally displaced persons are a serious threat to the security of civilians in armed conflict. The European Union therefore fully supports the Secretary-General's recommendation that Governments should make use of

the aide-memoire adopted by the Security Council on 15 March 2002 and of UNHCR's Agenda for Protection in situations in which combatants and civilians are intermingled. This will ensure that international legal standards are observed when Governments respond to perceived security threats. UNHCR's cooperation with the national authorities in separating combatants and civilians in the Democratic Republic of the Congo and in Sierra Leone constitutes an important example of how to try to ensure that civilians are not dragged into zones of fighting.

Helping civilians in armed conflict is an essential part of our humanitarian efforts, but it can deprive humanitarian workers of their lives. On 22 November a United Nations worker, Iain Hook, was the latest victim. Mr. Hook was shot while trying to evacuate civilians and United Nations staff from a United Nations compound in the Jenin refugee camp. This deeply worrying incident not only was a tragedy for Iain Hook's family, it also draws our attention once again to the urgent need to ensure the security and protection of aid workers and humanitarian personnel at all times. Only then can we guarantee full access to civilians during conflict.

In this context, we appeal to all States to become parties to the Convention on the Safety of United Nations and Associated Personnel of 1994, and we support the ongoing efforts to improve the implementation of the Convention.

Ensuring the protection of civilians means securing that the danger of conflict is removed in the long run. In this regard, one of the first priorities must be a comprehensive disarmament, demobilization and reintegration programme to ensure that former combatants are disarmed and reintegrated into society. The European Union commends the efforts made by the United Nations, as well as by its funds and programmes, in this area.

The international community must ensure the prosecution of perpetrators of human rights violations and breaches of international humanitarian law. The European Union recognizes and respects the untiring and impartial efforts of the International Committee of the Red Cross, as guardian of international humanitarian law, to uphold the universally recognized rules of protection of civilians in armed conflict. We strongly support the work of the International Tribunals for the prosecution of genocide and other grave crimes in Rwanda and the former Yugoslavia, just as we remain strong supporters of the International Criminal Court.

In closing, I would like to reiterate the European Union's unfaltering commitment to protecting civilians in armed conflict. We stand ready to assist the Security Council and the United Nations system in ensuring this goal.

The President (*spoke in Spanish*): The next speaker on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Yamamoto (Japan): First of all, I wish to welcome the decision of the Security Council to convene this open meeting on the issue of the protection of civilians in armed conflict, as this is an issue of great concern to all Member States. I would also like to commend the work of the Office for the Coordination of Humanitarian Affairs in preparing the third report of the Secretary-General on this issue.

This report provides us with insightful analyses and practical observations on the subjects of access to vulnerable populations, separation of civilians and armed elements, as well as rule of law, justice and reconciliation, based on the actual experience of the various departments and organs of the United Nations that have been engaged in protecting civilians in armed conflict. It also identifies new challenges, such as sexual exploitation, commercial exploitation and terrorism, as well as their impact on the protection of civilians.

I would now like to make three brief comments on this important issue.

First, in our view, information on the activities at Headquarters should be widely disseminated to all regions of the world, while at the same time the views of partners from various regions should be duly reflected in the activities at Headquarters. Through such interaction, we would be in a better position to develop more practical and effective ways of protecting civilians in armed conflict. In this regard, my Government welcomes the workshops that have been held in South Africa and in Japan and looks forward to additional workshops that, we understand, will be convened in other regions of the world next year.

Also, we are of the view that all Member States need to be fully briefed on what the Security Council

has produced on this issue, including the aide-memoire, and in the future it is hoped that interested Member States will have an opportunity to express their views before the deliberations of the Security Council lead to some new outcome. In this connection, the Government of Japan welcomes the initiative that the mission of Norway and the Office for the Coordination of Humanitarian Affairs have taken to set up a support group on the issue of the protection of civilians in armed conflict, which would serve as a forum for an exchange of information and views among interested parties.

Secondly, it is important that the outcome of the deliberations on this issue be mainstreamed in other work of the Security Council, in particular when dealing with peace and the security of specific countries and regions. In this regard, it is highly desirable that actual peacekeeping operations be conducted along the lines suggested by the aide-memoire. Again, the efforts to promote dialogue among all parties concerned are very important.

In this connection, we need to have a credible roadmap that can translate the recommendations of the Secretary-General into practical measures applicable on the ground. We therefore welcome the provisional version of the roadmap contained in the report of the Secretary-General as an initial step in the right direction and we are ready to participate in the work of further elaborating it.

Thirdly, we welcome the progress that has been made so far in the area of coordination among the relevant departments of the Secretariat, as well as other organs of the United Nations system, which makes it possible to address this important issue more effectively. The Government of Japan believes that such coordination should be further strengthened and continuously reviewed. For example, in our view the application of various points in the aide-memoire to each peacekeeping mandate requires closer, more detailed and constant coordination between the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs.

Also, with regard to the issues of women, peace and security; children and armed conflict; and the protection of civilians in armed conflict, which are separate but closely interrelated, we believe the Council should address them in a coherent, more integrated manner so as to avoid any inconsistencies, confusion or duplication among the different organs that are assigned separately to carry out their duties under their respective mandates.

The protection of civilians in armed conflict is a task that should be addressed in all its complexity by the full array of partners, including warring parties, when necessary. Recognizing the gravity of the issue, we must continue to make every effort towards this end, even when a particular situation may seem desperate. I would like to conclude my statement by assuring the Security Council of the firm intention of the Government of Japan to continue to fully participate in these joint efforts.

The President (*spoke in Spanish*): The next speaker on my list is the representative of the Republic of Korea. I invite him to take a seat at the Council table and to make his statement.

Mr. Sun (Republic of Korea): First of all, I should like to extend to you, Sir, my congratulations on your assumption of the presidency of this Council for the month of December.

The task of protecting civilians from the physical threat of and deprivation by armed conflict remains a formidable challenge to the international community. The Secretary-General's observations and recommendations, contained in his third report, provide us with a comprehensive and in-depth account of the issue.

My delegation has been closely following the issue of the protection of civilians in armed conflict, particularly since we first introduced the subject of protection for humanitarian assistance to refugees and others in conflict situations during the Republic of Korea's presidency of the Security Council in May 1997.

It is noteworthy that we have witnessed a growing tendency to include the civilian protection element as a key guiding principle both in peace agreements between warring parties and in the mandates of the relevant United Nations peacekeeping and peace-building missions. The cases of Angola, Sierra Leone and the Democratic Republic of the Congo present relevant examples in one form or another.

In addition, the strengthening of the international legal regime for the protection of civilians offers another source of optimism. The entry into force of the

Rome Statute of the International Criminal Court last July and the work of the Security Council regarding ad hoc tribunals serve as a deterrent to potential perpetrators of acts of inhumanity against civilians. Thus, those legal tools explicitly counter the culture of impunity.

We welcome positive developments on the regional front in tackling this issue. The recent initiative of the Office for the Coordination of Humanitarian Affairs to hold a series of six regional workshops on the protection of civilians is a case in point. The Republic of Korea, along with other regional countries and relevant governmental and non-governmental organizations, participated in the East Asian session of the workshop programme held in Japan last month. Furthermore, the resolute commitment of the international community to protect civilians in armed conflict situations has been demonstrated by frequent high-level gatherings, such as special United Nations meetings on women, children and small arms.

However, final success in this field will invariably hinge on the willingness and ability of the parties directly involved in a conflict to abide by international humanitarian and human rights law and to rebuild their nation, including its judicial institutions, for the benefit of its civilians. The international community, under the guidance of the Security Council, should continue to meet its responsibilities by exerting pressure, when required, and should assist in nation-building to ensure a smooth transition process.

Let me now make a few comments on the new challenges identified by the Secretary-General, namely, gender-based violence, commercial exploitation of conflict and the global threat of terrorism.

First, my delegation has been deeply concerned about the cases of sexual abuse and exploitation committed by personnel of the United Nations and other international organizations. Such intolerable acts undermine the basic tenets of morality and neutrality that the personnel of the United Nations and other relevant organizations are bound by. My delegation believes that all preventive and disciplinary measures, including advance and in-mission training and the establishment of an adequate monitoring and reporting system, should be implemented in a consistent and effective manner.

Secondly, the Secretary-General's report sheds fresh light on the commercial aspects of conflict in the context of civilian protection. Rivalries over the control of natural resources often fuel and prolong armed conflicts, resulting mainly in the victimization of civilians. In that regard, we acknowledge the Security Council's efforts to use sanctions to counter the commercial exploitation of conflicts, as in the cases of Liberia and Sierra Leone. My delegation also believes that the efforts of the United Nations in this field would be further strengthened if combined and well coordinated with existing mechanisms of a voluntary nature such as the Kimberley Process on conflict diamonds.

Finally, rising international terrorism poses one of the gravest threats to the well-being of civilians. It further carries the possibility of compounding the intensity and intricacy of conflicts. In that regard, it is essential that the international community make a sustained effort to send a clear message against the involvement of international terrorism. My delegation is also of the view that all States Members of the United Nations, as a part of our counter-terrorism obligations under Security Council resolution 1373 (2001), should take concrete measures towards that end.

The President (*spoke in Spanish*): I thank the representative of the Republic of Korea for the kind words he addressed to me.

The next speaker is the representative of Switzerland. I invite him to take a seat at the Council table and to make his statement.

Mr. Helg (Switzerland) (*spoke in French*): Switzerland welcomes the convening of this open debate dedicated to the protection of civilians in armed conflict. It thanks the Secretary-General for his report (S/2002/1300) and notes with satisfaction its concrete and systematic nature.

The efforts of the Security Council on this issue have produced a significant set of recommendations. It is now necessary to ensure their implementation and, if necessary, to supplement them. I would like at the outset to say that my country fully associates itself with the views of the Human Security Network on the protection of civilians in armed conflict as they will be stated later by Austria.

The report of the Secretary-General describes efforts at the institutional level to ensure closer cooperation within the Secretariat, in particular between the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations. Switzerland welcomes these efforts to address different aspects of protection in a more systematic and coordinated fashion. Over the past decade civilian populations have been not only the main victims of the consequences of armed conflict but frequently the deliberate targets of acts of violence committed by parties to conflicts.

That development, which has been exacerbated by the upsurge of terrorist acts, which are indiscriminate by definition, goes against the fundamental principles of international humanitarian law and of human rights. Switzerland resolutely condemns all recourse to terrorist violence. It also emphasizes that the fight against terrorism, to which it subscribes entirely, must itself be conducted with full respect for international humanitarian law and human rights. Strengthened international humanitarian law, international justice and the principles of the rule of law are key factors for enhancing the protection of civilians.

Switzerland welcomes the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court. In its capacity as High Contracting Party to and the depositary State of the Geneva Conventions of 1949 and their Additional Protocols of 1977, Switzerland would like to take the opportunity of this debate to invite all States that have not yet done so to ratify the Additional Protocols as soon as possible. In the light of serious violations of the Conventions and of Additional Protocol I of 1977, Switzerland considers that it is timely to remind the High Contracting Parties that they are obligated, by virtue of article 89 of that Protocol, to act jointly or individually, in cooperation with the United Nations and in conformity with its Charter. That article is complementary to the obligation of the High Contracting Parties to respect, and to ensure respect for, international humanitarian law in all circumstances.

The report of the Secretary-General accords appropriate attention to the specific rights and needs of vulnerable groups. Switzerland welcomes the agenda for protection adopted at the last meeting of the Executive Committee of the United Nations High Commissioner for Refugees. The agenda should now be implemented without delay to bring about positive results on the ground, especially on behalf of refugees and other vulnerable groups. Switzerland is also convinced that the Guiding Principles on Internal Displacement provide an adequate response to the needs of internally displaced persons. We encourage the speedy implementation of those principles.

The report of the Secretary-General underlines the urgency of the issues of the security of humanitarian personnel and of access to vulnerable groups. I would like to pay tribute to the commitment and dedication of humanitarian personnel who are carrying out indispensable work in often precarious and even dangerous situations. Humanitarian workers are too often the victims of hostage-taking and attack. Such acts or threats often render impossible access to victims by humanitarian organizations. Safe, rapid and unimpeded access for humanitarian personnel to vulnerable persons is a basic condition for strengthening the protection of civilians. States, which are the main guarantors of the protection of civilians, as well as armed groups, must ensure the necessary access to vulnerable people. That is a primary responsibility stemming from international humanitarian law. Switzerland believes that a structured dialogue between humanitarian players and armed groups can facilitate access to vulnerable persons. For that reason, Switzerland supports the project that was launched by the Office for the Coordination of Humanitarian Affairs at the Inter-Agency Standing Committee to prepare a manual on the subject of the terms of engagement with armed groups.

It is also necessary to remind both local and expatriate humanitarian personnel that their conduct towards the beneficiaries of humanitarian assistance must be beyond reproach. In that regard, we welcome the promulgation of guiding principles for all United Nations civilian staff. We also call on humanitarian agencies and non-governmental organizations active in this field to adapt their codes of conduct to those principles and to ensure that they are respected.

Finally, the report of the Secretary-General reveals the criminalization of the economy of war. It also indicates that the illicit exploitation of natural resources continues to feed a number of conflicts throughout the world. Measures must be taken in this area, and the report of the Secretary-General provides

various approaches in that regard. I am therefore pleased to note that the main countries involved in the production of, or the trade in, diamonds agreed at Interlaken, Switzerland, last November to launch an international certification system. That system aims at combating the illegal trade in diamonds, which is financing numerous conflicts. The response of the international community to this challenge must also aim at raising the awareness of all actors, including private actors and economic players, and to encourage them to act responsibly with regard to the basic principles of international humanitarian law and human rights law. The first policy dialogue initiated in the context of the Global Compact has produced encouraging results. Switzerland will continue to provide active support for that initiative, which we believe is moving in the right direction.

In conclusion, I would like to reiterate the appreciation of the Swiss authorities for all the efforts that have been undertaken to date, in particular by the Office for the Coordination of Humanitarian Affairs. It is now necessary to implement the recommendations with determination and in a constructive spirit. Switzerland would like to assure the international community and the competent bodies of the United Nations of its unreserved willingness to cooperate fully to promote and bring about a culture of protection that benefits civilian populations.

The President (*spoke in Spanish*): The next speaker inscribed on my list is the representative of Canada. I invite him to take a seat at the Council table and to make his statement.

Mr. Heinbecker (Canada) (*spoke in French*): The Government of Canada would like to commend you, Madam President, for having taken the initiative to convene this open meeting of the Council on the critical issue of the protection of civilians in armed conflict. We also welcome the statements made today by the Secretary-General, the Director-General of the International Committee of the Red Cross and the Emergency Relief Coordinator. We would also like to associate ourselves with the statement to be delivered by Austria, on behalf of the Human Security Network. Most importantly, we salute the integrity, devotion and courage of humanitarian workers and peacekeepers, who risk their lives to provide physical protection and material assistance under the most difficult and dangerous of conditions.

The Government of Canada both welcomes the report of the Secretary-General and endorses its recommendations. His report is not merely a useful update, it also offers an important diagnosis of the current challenges we face in protecting civilians. The Secretary-General has rightly emphasized the priority issues that urgently require international action, namely, the increase in terrorism, the problem of gender-based violence and the commercial exploitation of conflict.

Civilian protection is an urgent priority. Despite the fact that we have repeatedly stated that the failures of Rwanda and Srebrenica must never be repeated, new and old forms of aggression continue to produce civilian casualties, both as collateral victims and, increasingly, as deliberate targets.

(*spoke in English*)

Distressingly, a recent study by the United Nations Children's Fund (UNICEF) showed that civilian fatalities in wartime have climbed from 5 per cent at the turn of the century, to 15 per cent during the First World War, to 65 per cent by the end of Second World War. Those figures have climbed to more than 90 per cent in the recent wars of the 1990s. The destruction of the World Trade Center in New York, the recent terrorist attacks in Bali and Mombasa, massacres in Burundi, indiscriminate killings in the Democratic Republic of the Congo — notably in the Ituri region — and wide-spread displacement in parts of Central Asia make it clear that civilians are on the front lines of modern conflict.

At its best, the Security Council has been a powerful vehicle of collective action to protect people — for example, in East Timor. But at its worst, it has seemed an indifferent instrument of abdication, turning a blind eye to the most vulnerable at their time of greatest need. The Council's inconsistency — everyone's inconsistency — compels us all to take effective steps, not only to prevent assaults on civilians, but also, where prevention fails, to react. The Secretary-General has called on all of us to take up this challenge, and it is our responsibility to do so.

We urge the Secretary-General to continue to direct the Council's attention to instances where action in support of civilian protection must be taken. He is uniquely placed to do so. For its part, the Council needs to re-visit its own performance at regular intervals, as it did in July 2002 on Sierra Leone.

We commend the Council for seeking to apply the principles of civilian protection in its deliberations on specific conflicts. This is evident in the design and monitoring of new sanctions regimes and of peace missions. It is also evident in the development of the aide-memoire adopted last March, which should be updated on a continuing basis.

Individual agencies have also made progress. This includes the development of field tools and operational procedures for improving cooperation and strategic planning between the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO). We particularly applaud the regional seminars organized by OCHA, aimed at adapting the norms developed by the Council to regional realities. My Government was pleased to support the October policy seminar in South Africa as a contribution to building an alliance for the protection of civilians.

Encouraging advances have also been made on the difficult issue of separating armed elements from refugee populations. The Conclusion adopted in October 2002 by the Executive Committee of the Office of the United Nations High Commissioner on Refugees (UNHCR) and discussions held in the context of UNHCR's Global Consultations on International Protection are excellent examples of forward-leaning norm development.

It is also critical that States promote capacity building. In an example of one such effort, we have been deploying the Royal Canadian Mounted Police to the UNHCR operation in Guinea. This one-year pilot project will task officers to work with local authorities on community policing and camp security.

Valuable strides have also been made in upholding the rule of law and ensuring accountability for those who commit international crimes against civilians. The Special Court for Sierra Leone has now been established, in line with Security Council resolution 1315 (2000). Since the entry into force of the Statute of the International Criminal Court (ICC) on 1 July 2002, we have seen a decisive global movement in favour of accountability — with a dramatic increase in the number of ratifications, from 48 to 86. To support law, justice and international peace and security, the Council needs to support the ICC in its vitally important work.

In this regard, we again express our deepest disappointment that the Council chose this year of all years to put impunity above accountability, by adopting Security Council resolution 1422 (2002). The ICC has extensive safeguards for preventing politically motivated prosecutions. In its principle of complementarity, it explicitly recognizes the primary jurisdiction of sending States. We therefore hope that the entirely unnecessary and counterproductive message sent by that resolution last July will not be repeated when the resolution comes up again for discussion a year from that time.

We are fully conscious of the need to take urgent action to deal with the three challenges identified by the Secretary-General in his report. While the rise of terrorism has rightly demanded concerted action and response, such action must not be allowed to weaken the very legal and institutional mechanisms that shield civilians from the effects of conflict. We welcome in this regard the adoption in the Third Committee of the General Assembly of the draft resolution entitled "Protecting human rights and fundamental freedoms while countering terrorism". That draft resolution underlines the crucial responsibility of the State to fully respect international human rights and humanitarian law when taking counter-terrorism measures. We are very interested in the possibility of developing guidelines for future work on civilian protection in conflict areas where terrorist organizations are active.

Secondly, despite the advent of new mechanisms to investigate the illicit exploitation of natural resources, that type of exploitation continues. Even where we have been most effective in addressing war economies, through targeted sanctions or instruments such as the Kimberley Process, it is not yet clear if any of those methods have tangibly improved protection for ordinary people or built a sustainable peace.

More potent enforcement is required to target those who are repeatedly identified as sanctions-busters. In fact, the names of certain individuals can be found in every single one of the Counter-Terrorism Committee's reports. And there must be a way of bringing those people into line. In that respect, the Secretary-General's proposal that the Council consider imposing sanctions directed at companies and individuals involved in the plundering of resources in conflict situations merits attention.

Accountability and enforcement of core United Nations principles are at the heart of recent discussions on gender-based violence. In his introduction of his report to the Council on women, peace and security (S/2002/1154) to the Council, the Secretary-General stated that the United Nations will not tolerate sexual or other abuse by any staff — civilian, military or humanitarian. Like others, we join him in strongly condemning any form of sexual violence or exploitation. Civilian populations, in particular women and girls, must not be put at further risk by those whose job it is — acting on behalf of the international community, that is to say acting on our behalf — to provide physical protection and material assistance. We urge the Secretary-General to provide broad guidance to the entire United Nations family. We call on the Council to take up the Secretary-General's proposal to insert language in relevant texts, requiring follow-up to allegations of sexual abuse and exploitation.

The protection of civilians is a shared responsibility. It resides first and foremost with States; indeed, it is an essential element of a State's sovereign status. Protecting its citizens is the most fundamental obligation of a State. But there is a growing consensus that when States are unable or unwilling to protect their own citizens, the international community must engage. This responsibility was powerfully articulated in the report entitled "The Responsibility to Protect", by the International Commission on Intervention and State Sovereignty. Atrocities that shock the conscience of humanity cannot be allowed to stand, or those atrocities will never end.

While few beyond the Security Council have the authority or the capacity to compel Member States to act in support of civilian needs in situations of conflict, action and advocacy are not the duty of the Council alone. The General Assembly, regional organizations, United Nations operational agencies, non-governmental organizations (NGOs), the private sector and individual countries all have obligations. All need to be proactive in protecting the vulnerable.

Canada has argued from the outset that the protection-of-civilians agenda requires sustained and pragmatic commitment. The protection agenda will thrive on the development of norms and effective practice in specific instances. Our collective success will rightly be judged on whether we have reduced the vulnerability of civilian populations in conflict. Let all of us, but especially the members of the Council, resolve to protect those who most need our protection. History will judge this institution and its members harshly if we fail and positively if we succeed.

The President (*spoke in Spanish*): The next speaker is the representative of Chile. I invite him to take a seat at the Council table and to make his statement.

Mr. Valdés (Chile) (*spoke in Spanish*): Allow me at the outset to express a special and warm welcome on behalf of the delegation of Chile to you, Madam President, at having you preside over these deliberations. We also wish to acknowledge Colombia's important statement made in this debate and to express gratitude for the relevant remarks by the Secretary-General, the Director-General of the International Committee of the Red Cross (ICRC) and the Under-Secretary-General for Humanitarian Affairs.

For Chile, the item on the protection of civilians in armed conflict is one of the most important on the Security Council's agenda because of its content and humanitarian impact, as well as its importance to international peace and security.

Armed conflicts generate death and the displacement of civilians, including vulnerable groups that are forced into situations of extreme need, with consequences that impede development and reconciliation and both cause and fuel conflicts. At the same time, those adverse humanitarian consequences are themselves a threat to the international peace and security that the Security Council is called upon to preserve, as one of its main purposes under the Charter.

Today we reaffirm our political and humanitarian commitment to defending civilian populations affected by conflicts from the point of view of both the prevention and resolution of humanitarian crises and the prevention and resolution of the suffering endured by the populations of States subject to sanctions imposed by the Council, when such sanctions are not sufficiently targeted at authorities. Chile will continue to promote that humanitarian work when Chile takes its place as an elected member of the Security Council in the near future.

Since the second half of the nineteenth century, the period during which the modern norms of humanitarian law were formulated, to the present time, the world has witnessed, through successive wars and armed conflicts, both international and internal, the

growing seriousness of such conflicts, their devastating impact on civilian populations and the increasingly critical and urgent need to find a remedy to this great evil and the pain and injustice produced by it.

At the end of the cold war, in the discharge of its fundamental work of guaranteeing international peace and security, the Security Council, jointly with the Secretariat of the United Nations, embarked upon the important task of dealing specifically with that issue. The combined efforts of the various humanitarian institutions, both multilateral and non-governmental, and in particular the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, allow us today to have substantive documents that facilitate review and decision-making on issues related to the protection of civilians in armed conflict. Of particular note in that regard this year are the Aide-Memoire annexed to the statement by the President of the Security Council, dated 15 March 2002, and the report of the Secretary-General to the Security Council on this matter, of 26 November 2002, both of which we welcome with appreciation.

As the last mentioned of those two documents indicates, it is civilians, more than combatants, who are the principal victims of conflicts today, with women and children comprising a high percentage of the victims. Some 2.5 million persons have died as a direct result of conflicts over the past decade, while 31 million were displaced during the same period. The report adds that that situation has been compounded by the upsurge in global terrorism as a new threat to civilian populations. That new threat can increase considerably the scale of suffering in the future and seriously affect the efforts of the international community to protect civilians, particularly to separate the civilian population from combatants.

On the subject of the protection of civilians in armed conflict, just as on other matters that are within the purview of the Security Council, Chile reaffirms as a matter of principle its strict adherence to the Charter, as a superior norm that governs the conduct of States. Chile promotes strengthening multilateralism to confront the crises that threaten international peace and security, as well as the strengthening of the system of collective security provided for in the Charter. In that regard, in order for the Council to be effective in its actions, it must maintain an active role in the prevention of armed conflicts and, in order to maintain its unity and promote strengthening of the Security Council, we believe that the solutions that the Council adopts should be decided upon by consensus, through transparent procedures and with the due participation of all of its members.

We believe that notions of peace and security transcend the State, because they are worth very little if they do not also take into account the conditions of security and dignity of individuals who live within the State, ensuring that they are free from fear, that their basic needs are met and that they enjoy equality of opportunity to develop their human potential. In that connection, Chile shares and supports the ideas and aims to be expressed during this debate by the representative of Austria, in his capacity as Chairman of the interregional group of countries known as the Human Security Network, of which we are a member.

Chile is particularly concerned about the civilian victims of armed conflicts. It, therefore, supports the humanitarian organizations that provide assistance to civilian populations in zones of conflict. They must be protected and supported by Governments. Chile also favours restricting recourse to sanctions, the use of which should be reserved for strictly necessary situations; their impact must be targeted at those who are directly responsible, ensuring that the civilian population is not affected. Chile also supports taking into consideration the social dimension of crises, since it believes that the Security Council has a role to play in addressing social threats that could affect international peace and security.

The third report of the Secretary-General, which serves as a core document for this debate, contains important information, some of which is specific in nature and concerns specific conflicts, while other elements are of a more general and abstract nature. It offers new, updated and structured background information on the complex variety of elements that must be taken into account in addressing the problems of civilian victims of conflicts and on the practical usefulness of its application in concrete situations, as well as with regard to situations and problems that will have to be resolved in the future on such issues as access to vulnerable populations, the separation of civilians from armed elements and respect for the rule of law, justice and reconciliation. The report concludes with an annex providing a "roadmap for the protection of civilians", which is comprised of a series of recommendations taken from earlier documents on the

subject. For that considerable effort, we wish to express to the Secretariat our deep appreciation and support, with a view to intensifying our efforts in the fundamental task of ensuring progress in the effective protection of civilians in armed conflicts.

The President (*spoke in Spanish*): I thank the representative of Chile for his kind words.

The next speaker inscribed on my list is the representative of Bangladesh. I invite him to take a seat at the Council table and to make his statement.

Mr. Chowdhury (Bangladesh): Madame Foreign Minister, congratulations are owed to you and to Colombia upon your assumption of the presidency of the Council. It was Bangladesh's privilege to work closely with Colombia, in general, and with my good friend Ambassador Alfonso Valdivieso, in particular, during our own membership on the Council last year. We appreciate your invitation to take part in the open debate on the protection of civilians in armed conflict. The United Nations was established to save people from the scourge of war. The responsibility to accord such protection lies with all of us. But the onus, under the Charter, lies indisputably with the Security Council.

In the past decade, armed conflicts claimed more than 2.5 million civilian lives. Some 31 million were displaced. The basic norms of our civilization were assailed. The international humanitarian laws were grossly and systematically violated. There were genocides, war crimes and crimes against humanity.

There have been cases of ethnic cleansing, mass murder, mutilation, abduction and unlawful detention. Children have been recruited forcefully, drugged, dehumanized and used as killing machines. Women and girls have been subjected to humiliation of all kinds. Rape has been used as a weapon of war. The kind of protection due to be provided was clearly not available. It is not too much to ask, therefore, that protection of civilians remains high on the Council's agenda.

The legal framework for protection has been progressively established by the Council in its resolutions and presidential statements since 1999. The report of the Secretary-General before us — the third on the subject — presents a multi-faceted policy agenda. They fall into three areas: humanitarian access, separation of civilians and armed elements and the rule of law, justice and reconciliation.

A roadmap proposed for protection comprises, inter alia, a legal framework, organizational capacities, prevention, implementation of sanctions and prohibitions, inclusion of protection in peacekeeping mandates and ending the commercial exploitation of conflicts.

The Security Council will have our support in elaborating the policy framework, as well as an agenda for action. To be effective, such an agenda would, however, need to be more than an ensemble of palliatives. Addressing the consequences is important. More important, perhaps, is the need to focus on the causes.

Let me roll the map out on the table. This map of failure of protection, of failure of prevention — Somalia, Srebrenica, Rwanda, Sierra Leone, Angola and the Democratic Republic of the Congo. We have reports on at least two of them — Srebrenica and Rwanda — and we are aware of the findings and recommendations. The question the Security Council would be invited to ask itself is what went wrong in each of those cases?

The conclusion of the Carlsson report is clear. Rwanda was a preventable genocide. It required a reinforcement of the United Nations Assistance Mission in Rwanda (UNAMIR). The Security Council, instead, reduced the Mission's size from 2,500 to 270, following the assassination of 10 peacekeepers. Srebrenica presents a similar scenario. Was it a failure to appreciate the imminent catastrophe? Or a failure of analysis? A failure of democratic decision-making? A failure to assume responsibility? The Council must be well aware that the answers lie in a combination of all these.

The ultimate success in Sierra Leone demonstrates the validity of arguments in favour of the Council's determination, the adequacy of the peacekeeping mandate, physical involvement of the major Powers or a directly concerned permanent member. On the Democratic Republic of the Congo, the Council has been slow to assume a substantial role and responsibility, in the full knowledge of the consequences of the war and the magnitude of human suffering. When the Council authorized a peacekeeping mission, it was with only a limited observation mandate and limited strength, while foreign forces fought deep inside the Congolese territory and the rebel militias continued to wreak havoc on civilian lives.

We welcome the Council's resolve to pursue peace in the Democratic Republic of the Congo and in the Great Lakes region. Bangladesh remains committed to making a further contribution to the United Nations Mission there. We have always argued in favour of strong United Nations involvement in the resolution of conflict. We continue to believe that the responsibility of the United Nations, especially with respect to maintaining peace and security, should not be constrained by lack of troops or by budgetary considerations.

The Secretary-General's report cites international terrorism as a major threat in the context of protection. Unresolved conflicts and the early withdrawal or failure of peace-building efforts have proved extremely dangerous. Abandoned, Afghanistan became a theatre of proxy wars. It also became a bastion of international terrorists. The Security Council remained stymied for too long with regard to addressing the crisis. We are all aware of the horrendous, resulting tragedies.

In the Middle East, civilian casualties are daily news, as are the killings in occupied Palestine and the toll of suicide bombings. The Secretary-General speaks of punitive measures directed at civilians, the denial of humanitarian access and a mounting humanitarian crisis. International law, including international humanitarian law, has universal validity. They must be applied in this case also. The Security Council must ensure it.

It is appropriate that the Secretary-General's report should include, as it indeed does, commercial exploitation of conflicts in the context of protection. The arms bazaar, of which Nobel Laureate Oscar Arias warned us a decade ago, has flourished in every conflict zone in the past decade.

The Council imposed sanctions and prohibitions, albeit without any effective implementation or monitoring mechanism. There have recently been some welcome changes. Effective implementation of sanctions on conflict diamonds crippled both Jonas Savimbi and Foday Sankoh. The Angola monitoring mechanism has yielded decisive results. The lifting yesterday of the sanctions against the União Nacional para a Independência Total de Angola (UNITA) bears witness to what a determined and unified Council can achieve. In the case of Liberia, results are yet to be evidenced. In the case of the Democratic Republic of the Congo, expert panel reports on the illegal exploitation of the country's natural resources — both cause and consequence of the protracted war — await concrete measures.

For real change to occur in these situations, there needs to be political commitment, the commitment of the major players, including regional Powers, and, of course, of all of us, the international community.

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter dated 10 December 2002 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2002/1346, and which reads as follows,

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council being held today, Tuesday, 10 December 2002, on the report of the Secretary-General to the Security Council on the protection of civilians in armed conflict."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the current debate, in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

I invite the Permanent Observer of Palestine to take the seat reserved for him at the side of the Council Chamber.

The next speaker inscribed on my list is the representative of Cambodia. I invite him to take a seat at the Council table and to make his statement.

Mr. Ouch (Cambodia): First, may I welcome you, Ms. Carolina Barco, Foreign Minister of Colombia, and thank you for chairing this important meeting. I also take this opportunity to thank your predecessor, Mr. Wang Yingfan of China, for conducting the presidency of the Council in an outstanding manner in November.

I also wish to acknowledge the presence of the Secretary-General and to thank him for his report, which forms the basis of the Council's deliberations today. We listened with great interest to the briefing given today by Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I should like also to thank

Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross (ICRC), for his briefing.

Today is Human Rights Day, and we should remind ourselves that the protection of civilians is as much a human rights concern as it is a humanitarian issue.

We are facing troubled times. There is a serious threat of war lingering in the air. The role of the Security Council is and will continue to be very important in avoiding war and in resolving the world's problems in a peaceful manner.

Madam President, I am very grateful that you have convened this open meeting, because the subject being discussed is very important and affects all Member States. It is therefore important that the membership at large be heard on the important subject of the protection of civilians in armed conflict. This issue should be the central focus of United Nations operations and a key element in the establishment of peacekeeping operations.

The involvement of the Security Council in the issue of protecting civilians in armed conflict has been continuous and is based on Security Council resolutions 1265 (1999) and 1296 (2000) and on the letter of the President of the Security Council addressed to the Secretary-General on the protection of civilians in armed conflict, document S/2001/614. We would like to thank the Secretary-General for his report, document S/2002/1300 of 26 November 2002.

This is the third report on this important subject, and we equally acknowledge the excellent earlier reports, the first issued published on 8 September 1999 (S/1999/957), and the second dated 30 March 2001 (S/2001/331). Those reports present the facts about the realities confronted by millions of civilians around the world, and they outlined some additional steps that Member States could take to strengthen their own capacity to protect civilians in armed conflict. The stark picture of war and civil strife everywhere around the globe has led the United Nations, the ICRC, regional organizations and many other international agencies increasingly to devote greater attention to protecting civilians in armed conflict.

We agree with the Secretary-General, who, in his report of 30 March 2001 on the protection of civilians in armed conflict, called for the establishment of a culture of protection in which Governments and armed groups would respect the recognized rules of international humanitarian law, and in which Member States and international organizations would display the necessary commitment to ensure decisive and rapid action in the face of crisis.

The presence of so many dignitaries today not only reflects the importance of the subject under discussion but also attests to the fact that the protection of civilians is a complex problem, has many different faces and has not been conclusively defined. It involves diverse actors — international agencies and civil society — and approaches. The protection of civilians involves issues such as humanitarian access, justice and reconciliation, forced displacement, landmines, small arms, women and children in war and other matters.

While we fully agree that, in conformity with its mandate to provide peace and security in the world, the Security Council has a central role to play, we should also stress that the multidisciplinary nature of the problem requires an inter-agency approach. I am therefore grateful to note that the Inter-Agency Standing Committee is effective and that the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations are strengthening their cooperation.

In regard to the latest report of the Secretary-General, permit me to address three issues highlighted there. The first is the question of the rule of law, justice and reconciliation. We have been reminded on many occasions that, although during the First World War 95 per cent of the victims were soldiers, by contrast, today, 95 per cent of the victims of conflicts are civilians. As a country which has just recently emerged from a prolonged period of civil strife and armed conflict, including the period of the genocidal Khmer Rouge regime in which more than two million people perished, most of them civilians, I can speak from experience about the misery and suffering of our people over a prolonged period of time, and I can affirm that we can find justice for our people only when peace and stability prevail throughout our country.

In regard to the rule of law and justice, it must be applied fairly and universally to all countries, large or small and rich or poor. In order to achieve that goal, conflicting political interests must not be accorded

higher priority than providing justice and reconciliation for the people. In the light of our bitter experience of the past, Cambodia was one of the first countries in Asia to ratify the Rome Statute of the International Criminal Court (ICC), and we applaud its entry into force last July. That was a step in the right direction towards achieving the rule of law, justice and reconciliation in post-conflict countries.

Secondly, we should like to touch on the issue of humanitarian access. In this respect, an important point to keep in mind is that we should not forget that the protection of civilians is, first and foremost, the responsibility of the sovereign Governments concerned. The issue of humanitarian access, while important, should not supersede the principle of national sovereignty. This has been emphasized on many occasions by many members of the Non-Aligned Movement.

Thirdly, the Secretary-General emphasizes the issue of the separation of combatants from civilians. We had a very bad experience during the 1980s, when the Khmer Rouge, after being ousted from Cambodia, hunkered down in border refugee camps, taking with them large numbers of civilians under their so-called protection. Therefore, I wish to emphasize once again that if the international community is not in agreement on the solution of a certain problem, it is difficult to tackle such important issues as that of the separation of civilians from combatants.

The report also identifies three emerging challenges: sexual exploitation, illegal exploitation of natural resources and terrorism. Those important issues deserve our full attention.

Finally, Cambodia welcomes the adoption of the aide-memoire by the Security Council last March, prepared by the Secretary-General in close cooperation with Council members. The aide-memoire provides a blueprint for action for all of us in the important area of protection of civilians in armed conflict. It is now very important to put these principles into practice; in that connection, today's meeting will provide a good opportunity to have a preview of the roadmap for the protection of civilians attached to the aide-memoire. I welcome the holding of regional workshops, including the regional workshop in Japan, which covers the South-East Asian region. Such workshops will provide practical tools to implement the aide-memoire.

The President (*spoke in Spanish*): I thank the representative of Cambodia for his kind words addressed to the presidency.

The next speaker inscribed on my list is the representative of Austria. I invite him to take a seat at the Council table and to make his statement.

Mr. Pfanzelter (Austria): It is a very special privilege to address the Security Council under the presidency of Colombia. Our gratitude also goes to the Secretary-General and to Under-Secretary-General Oshima for the excellent preparations for our highly important deliberations in the Security Council.

I am speaking in Austria's capacity as current Chair of the Human Security Network, an interregional group of countries also comprising Canada; Chile; Greece; Ireland; Jordan; Mali; the Netherlands; Norway; Slovenia; South Africa, as an observer; Switzerland; and Thailand.

The issue of the protection of civilians in armed conflict lies very much at the core of the Network's efforts to ensure the security and the rights of the individual. Our aim is to take concrete actions to make our world a place where all people can live in security and dignity, free from fear and want, with equal opportunities to fully develop their human potential. Those efforts relate directly to the Secretary-General's emphasis on what he defined as our humanitarian imperative: the very essence of United Nations work to establish human security where it is under threat, where it is no longer present or where it never existed.

Armed conflicts still affect millions of civilians around the world who are deprived of their basic necessities, vulnerable to violations of their rights and to physical exploitation, and often displaced from their homes and separated from their families. The phenomenon of civilians becoming the deliberate targets of warfare, in flagrant violation of international humanitarian and human rights law, remains alarmingly frequent. Too often, the principal victims of armed conflict are women and children, on whose shoulders lies the future of our societies.

The Security Council's debates on this issue — such as the one that is taking place today, on International Human Rights Day — increase recognition of the need to develop a culture of protection within and beyond the United Nations. The reports of the Secretary-General are an essential

contribution to that aim. The Network welcomes the Security Council's continued commitment to that critical issue. We see the agenda for the protection of civilians as a framework for action.

The protection of civilians is central, not peripheral, to the Council's mandate of ensuring international peace and security. We welcome the most recent report of the Secretary-General (S/2002/1300), which, like those that he has previously prepared for the Council, is aimed at identifying practical strategies for promoting a culture of protection. We urge the Council to sustain the momentum created behind that agenda, and we call on the Secretary-General to continue to update the Council on developments in that field on a regular basis.

In the context of the protection of civilians, I should like to highlight several issues, which are also contained in the reports of the Secretary-General, from the point of view of the Human Security Network. Discussions on the particular protection needs of women and children are an important part of that rubric, and I should like to refer to Human Security Network statements made during the respective Security Council debates.

The primary responsibility for the protection of civilians in armed conflict rests with Governments. In situations of armed conflict, however, non-State actors can also have direct responsibility for ensuring the basic needs and the protection of civilian populations. An essential element of that responsibility is for all parties to a conflict to allow unimpeded humanitarian access to vulnerable populations. However, as the report rightly points out, very few non-State actors recognize their responsibilities in that regard. Therefore, we consider the development of measures to raise the awareness of all parties to a conflict — including non-State actors — of their responsibilities and of the relevant provisions under international humanitarian, human rights, refugee and criminal law to be of paramount importance. We recall the Security Council's commitment, in resolution 1265 (1999), to respond to situations of armed conflict in which civilians are being directly targeted or humanitarian assistance to civilians is being deliberately obstructed.

While there has been considerable progress in recent years with regard to strengthening the normative and institutional frameworks for the protection of internally displaced persons, their situation in many countries remains extremely worrisome. Wherever there is conflict, in all likelihood there is also displacement. Displacement continues to be a by-product of current conflicts and too often is a deliberate aim of combatants. The General Assembly and the Commission on Human Rights have repeatedly outlined their recommendations in support of protection and assistance for internally displaced persons. Two of the members of the Human Security Network, Austria and Norway, regularly put forward resolutions on that issue in those forums. Building on the work of the Representative of the Secretary-General on Internally Displaced Persons, an increasing number of conflict-affected countries are using the Guiding Principles on Internal Displacement as a standard and a framework for dealing with situations related to internally displaced persons. We therefore propose that the Security Council encourage States with internal displacement situations to utilize the Guiding Principles as well as to find durable solutions for internally displaced persons, including their voluntary return in safety and dignity.

The achievement of a sustainable peace depends on the establishment of an effective and fair administration of justice, of institutions that ensure accountability for past atrocities and for grave human rights violations, and of credible truth-and-reconciliation mechanisms. In that context, we welcome the entry into force of the Rome Statute of the International Criminal Court, which marks an important contribution to ending impunity. Both justice and reconciliation mechanisms should ensure the involvement of women and should foresee special procedures for children. We agree with the report of the Secretary-General that reconciliation efforts need to be undertaken in a culturally sensitive way and that education shall provide a window of opportunity for building tolerance and social justice in communities both during and after conflict. I should like to add that human rights education is particularly pertinent in that regard. The Human Security Network is currently in a process of elaborating a declaration of principles on human rights education and is producing a manual on that subject that can be adapted to various regional situations.

The widespread use of small arms, light weapons and anti-personnel landmines has a significant impact on the scope and the level of the violence that affects civilian populations during and after armed conflict, as

pointed out by the Secretary-General in his first report to the Security Council on the protection of civilians in armed conflict (S/1999/957). One week ago, we commemorated the fifth anniversary of the signing of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction. It was that initiative that originally led to the establishment of the Human Security Network. At its ministerial meeting in September this year, the Network passed a declaration calling for the universal ratification of that important treaty — a call that I should like to reiterate on this occasion.

I would like to thank the Secretary-General for addressing a number of highly topical issues in his most recent report, namely, the separation of armed elements from displaced civilians; the safety of humanitarian personnel; sexual exploitation and gender-based violence in humanitarian crisis and conflict situations; the commercial exploitation of conflicts and the plundering of resources; and the involvement and the role of terrorist organizations in armed conflict.

In order for this agenda to succeed, all States and other relevant actors must commit to improving the legal and physical protection of civilians. An important element of this is the integration of the Secretary-General's recommendations into the realities in all regions. The Network therefore welcomes the regional seminars, which have been initiated by OCHA, and urges all Governments to participate in them.

In conclusion, I would like to assure you, Madam President, of the dedication of the members of the Human Security Network to fully supporting and promoting the protection of civilians in armed conflict as an indispensable foundation for peace, security and stability.

The President (*spoke in Spanish*): The next speaker inscribed on my list is the representative of Egypt. I invite him to take a seat at the Council table and to make his statement.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): The right of every human being to live in lasting peace and security should be sacred. That is one of the reasons for the founding of the United Nations. That right lies at the heart of the purposes and principles of the Organization, and it is that right from which it derives its authority and mandate. The protection of civilians in armed conflict is thus a basic responsibility of the United Nations. It is also a collective responsibility, imposed by international humanitarian law. On that basis, we believe that the dialogue currently under way in the Council is vital in order to promote the efforts of the Organization in this area and to bring about further progress in dealing with this serious challenge.

We welcome the recent report of the Secretary-General, which reviews developments relating to the protection of civilians in armed conflict during the past 18 months. We agree with its conclusions that three issues have emerged that represent a challenge to the ability of States to protect civilians: sexual violence and gender-based violence; the illegal commercial exploitation of the natural resources of States; and the threat of terrorism.

My delegation would like to make a number of important points in this respect. First, within the framework of the commitment to the principles of the Charter as contained in Articles 1 and 2, including the political independence, sovereign equality and territorial integrity of States, which must be respected by everyone, we would like to stress that the protection of civilians in armed conflict must not lead to the disregard of the concept of State sovereignty or of the responsibilities and powers that States have in their territory. Balance between those two elements is necessary; indeed, it is vital, particularly since international law has dealt extensively with such elements and determined the commitments, duties and rights of States and individuals.

Secondly, during the past few years the Security Council has discussed the issue of the protection of civilians in armed conflict, adopting a number of resolutions and issuing several presidential statements on the subject. That reflects the importance that the Council attaches to this vital issue, which is gaining in importance because of the growing number of civilian victims of armed conflicts, compared with numbers of a decade ago, and the increase in the number of such conflicts, particularly in Africa, which accounts for almost half the total number of conflicts worldwide.

What makes matters worse and further complicates the situation are the changes that have occurred with regard to the methods used by combatants and their conduct, whether at the international or domestic levels, and the growth in internal, regional and ethnic strife, including ethnic

cleansing, accompanied by the disintegration of Governmental institutions and a breakdown in the rule of law and order.

We believe that a major element in the growth of these tragic phenomena is the fact that countries are not abiding by the provisions of international humanitarian law, notably the Fourth Geneva Convention and its two Additional Protocols, while in some cases governance and responsible authority are absent as a result of internal strife. We should like to take this opportunity to emphasize that a number of international legal instruments set out elements of international law whose application goes beyond the parties to such instruments. The most obvious example of this is the Fourth Geneva Convention and its two Additional Protocols, which go beyond the States parties and apply to the entire international community, setting out an internationally agreed framework for the treatment of civilians in armed conflict or under occupation.

Thirdly, on more than one occasion the United Nations has succeeded in proving that it is able to intervene effectively to protect civilians, most notably in the Balkans, East Timor and Sierra Leone. There are many other situations that have not been accorded the same degree of importance or in which such intervention has not been as successful. These include other parts of Africa and the Middle East.

Despite the increasing awareness of the Members of the United Nations of the scale of this new challenge and their agreement with regard to the responsibility of the Organization, whether through the Security Council or the General Assembly, for preventing conflict and resolving it in a peaceful manner, as well as their belief in the importance of providing protection and humanitarian assistance to civilians victims of armed conflict, the international community still has a long way to go in this respect. A flagrant example of the failure of the international community, and the United Nations in particular, is the situation in the occupied Palestinian territories — the West Bank and Gaza — where the civilian population is suffering daily from the incursions of the occupying forces, which are violating the provisions of the Fourth Geneva Convention and its first Additional Protocol. The suffering of children, women, the elderly and other vulnerable sectors of society grows worse and longer day by day. What increases the suffering further is the fact that medical and humanitarian care is delayed and access to victims prevented. The fact is that the occupying Power has actually impeded the work of those who seek to provide care.

The practices of the Israeli occupying forces and their continued use of heavy weaponry in densely populated civilian areas have resulted in a doubling of the number of civilian casualties, which has led to a deterioration in the standard of living in all areas, in particular in the social, economic and health areas.

Egypt strongly condemns and totally rejects this situation. We cannot accept any justification for such a situation, regardless of the claims that are made, particularly since the right to resist an occupying Power is a sacrosanct right guaranteed by the Charter of the United Nations and by international law. That right is complemented by the right of peoples to self-determination and to independence.

Fourthly, we believe that dealing with the issue of the protection of civilians in armed conflict should be accorded the highest priority in the work of the Organization, and of the Security Council in particular. We should also devote greater attention to the most vulnerable areas, notably Africa and the occupied Palestinian territories. We must also devote greater attention to the most vulnerable sectors of society, which lack protection and care.

In this context, Egypt expresses its serious concern at the increased rate of violence against women and children during armed conflict and at the negative economic, social, psychological and physical impact it has on them. On this basis, and in order effectively to combat injustice against women, Egypt last September hosted a conference at Sharm el-Sheikh aimed at setting up a new international movement for women and peace. Many prominent international personalities participated in that conference.

The purpose of that conference was to initiate a series of activities in preparation for an international conference in 2004 dealing with the issue of women and peace. The outcome of the Sharm el-Sheikh conference emphasized the importance of recognizing women as an effective element in the settlement of conflicts and of acknowledging the importance of their participation in efforts at peacebuilding.

In conclusion, I should like to extend my thanks to you, Madam President, for convening this meeting to address this very important issue. I truly did not intend to speak unless you were presiding. I should like to

emphasize my delegation's support for the Organization's and Council's efforts in this area and our full readiness to participate actively in these activities.

The President (*spoke in Spanish*): I thank the representative of Egypt for the kinds words he addressed to me. I am very pleased indeed to be presiding.

The next speaker inscribed on my list is the representative of Israel. I invite him to take a seat at the Council table and to make his statement.

Mr. Jacob (Israel): At the outset, allow me to welcome you, Madam President, and to wish you much success as you guide the deliberations of the Council on this issue. I wish also to thank the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and the Director-General of the International Committee of the Red Cross for the important statements they made this morning.

Israel is pleased to be taking part in today's debate and welcomes the increased attention being paid by the international community to the issue of protecting civilians in situations of armed conflict.

Israel also welcomes efforts to increase the effectiveness of the work of the United Nations in this regard. In particular, we support the steps taken to consolidate the work of various departments and agencies, and to increase coordination and cooperation among different sectors of the Organization whose work relates to the protection of civilians. We are encouraged by the fact that the Security Council has taken an active role in seeking to reduce the intolerable impact of armed conflict on innocent civilians.

The most recent report of the Secretary-General on this topic represents yet another step forward. Israel is pleased to see the report focus on the new challenges posed by sexual exploitation, commercial exploitation of resources, and the rise of terrorism. Establishing guiding principles and accepted standards of behaviour in all these areas will greatly enhance the protection afforded to civilian populations.

The focus on sexual exploitation of women and girls in situations of armed conflict arises out of an increased awareness in recent years of the disparate effects of conflict on men and women. As a country that has taken great strides to mainstream gender in all sectors of society, Israel believes that the increased participation of women in decision-making at the highest level will serve not only to promote our common interest in advancing the status of women, but also to mitigate some of the disproportionate effects of armed conflict on women.

Similarly, the focus on commercial exploitation comes from the recognition that the illegal exploitation of natural resources serves to fuel conflicts that might otherwise have petered out. This is a particularly worrisome concern on the African continent. Israel has joined with other nations participating in control regimes intended to stem the illicit revenue generated by the illegal export of natural resources.

Finally, the growing threat of terrorism poses unique challenges to our efforts to protect civilians from the ravages of conflict. Terrorism blurs the fundamental and critical distinction that must be maintained between civilian and combatant, an issue which the Secretary-General's report covers in some detail.

Terrorists seek to blur this distinction not only in the objects they target — which are often crowded public places, office buildings and modes of mass transit — but also in their non-combat operations. In choosing locations for training and organization, terrorists routinely situate themselves in the midst of civilian areas for the express purpose of defending themselves against possible preventive action. Restoring respect for the essential distinction between combatants and civilians, as required by international humanitarian law, is critical to our efforts both to fight against international terrorism and to protect civilians from its deadly effects.

Access of humanitarian workers and assistance in areas of conflict is also of great importance. Israel recognizes the need to provide such assistance as well as the potential long-term benefits of a humanitarian presence in areas of conflict. But the Secretary-General's report also recognizes that humanitarian workers and the access routes they use can be employed in a manner that poses a threat to other civilian populations. It is imperative that measures be taken to ensure that humanitarian workers are empowered to perform their functions but are also protected from exploitation by any local actors whose objectives and tactics are the very antithesis of those of humanitarian personnel.

These considerations highlight the difficult dilemmas facing States engaged in the global campaign against terrorism. How are States to effectively fight terrorist organizations that deliberately endanger both the civilian populations they target and those behind whom they shield themselves? How can States exercise their legitimate right to take defensive measures against terrorism without causing undue harm to the civilian population? How can States secure a sufficient supply of food, medicine and assistance while ensuring that supply lines are not compromised by terrorist elements?

There are no easy answers to these questions. All States must endeavour to strike a proper balance between their obligations to fight terrorism and protect their citizens, and their responsibilities under international humanitarian law. This process would be greatly advanced if the international community took care to ensure that it places primary responsibility for the harm caused to civilians in such situations on the shoulders of those who have deliberately obscured the distinction between civilian and combatant. Failure to hold accountable those armed groups that abuse the protected status of civilians and thus endanger civilian lives will only encourage terrorist groups to increase their reliance on this reprehensible tactic.

Our goal must be to explore ways to isolate terrorists from the civilian populations they endanger. This is a task fraught with difficulties — difficulties which are compounded by the tireless efforts of terrorists to make our task as hard as possible. This is especially so in relation to the horrific phenomenon of suicide terrorists, who have shown utter disregard for any civilian life and who pose a unique challenge to the mechanisms of prevention and deterrence available under international humanitarian law. This does not, however, relieve us of the obligation to continue to improve our counter-terrorism techniques and strategies so as to avoid putting civilian lives at risk.

The President (*spoke in Spanish*): The next speaker on my list is the representative of Indonesia. I invite him to take a seat at the Council table and to make his statement.

Mr. Hidayat (Indonesia): Let me begin by extending to you, Madame, and to your delegation my sincere gratitude for convening this public discussion. My delegation is certainly greatly honoured by your presence among us as we discuss this very important subject.

I would also like to welcome the report of the Secretary-General and to take note of the developments since his last report was issued in March 2001. We note the efforts of the Office for the Coordination of Humanitarian Affairs (OCHA) of the Secretariat and the benefits of the closer cooperation between that Office and the Department of Peacekeeping Operations. Of great interest to my delegation in this respect are the six workshops being coordinated by OCHA in response to resolution 2002/32 of the Economic and Social Council, which called upon Member States to participate actively in workshops on the protection of civilians in order to share knowledge and experience and to improve practice.

Before I continue, I would also like to acknowledge the aide-memoire developed by OCHA and adopted by the Security Council in March 2002 as a practical tool for improved analysis and diagnosis of key civilian protection issues that arise out of conflict.

It is astounding to consider that, in the last decade alone, more than 2.5 million people have died directly as a result of conflict and that, of that number, civilians constitute the greater number of the casualties. No less tragic is that about 31 million more people have been displaced and uprooted by conflict also within the same period. We share the view of the Secretary-General that this represents human suffering on an immense, indeed intolerable scale, but a scale that may yet worsen with the threat of global terrorism.

The report before us contains a number of suggestions for improving response to such issues as access to vulnerable populations, separation of civilians and armed elements, and rule of law, justice and reconciliation. In view of the national experience of Indonesia and the time limitation in this debate, I would like to make a few general remarks on the third element, which is the rule of law, justice and reconciliation.

In the post-conflict scenario, we share the view that the restoration of the rule of law is fundamental to a country's capacity to emerge into a sustainable peace on the basis of the assured protection of civilians and the return of order. In a society emerging from conflict, there will always be — and indeed ought to be — a demand for justice and accountability. That is human and it is understandable. The lesson and, perhaps, the

contribution to political thought is that such demands are on a surer footing when they take a holistic view of history and when they recognize that, in the interest of stability and progress, such demands must make conscious choices that stress stability and progress.

Having said this, we acknowledge that every conflict carries its own dynamics and its singular character. To that end, every post-conflict situation requires a unique response. My point is that, while there are differences in situations, the political attitudes that determine the response and the strategies may learn from successful conflict settlements, such as those in Sierra Leone, Angola and Afghanistan, as referred to in the report.

Finally, the Secretary-General identifies in the report three global issues that have emerged since the previous report that will seriously challenge the capacity of Member States to protect civilians. The first is an increased focus on gender-based violence in humanitarian crisis and conflict situations. The second is the commercial exploitation of conflict, whereby individuals and companies take advantage of a conflict to plunder the natural resources and enrich themselves at the expense of civilian populations. The third development identified by the Secretary-General is the rise of terrorism and the involvement of terrorist organizations in armed conflicts.

These are, no doubt, serious developments. While we throw our weight behind the practical measures suggested by the Secretary-General, my delegation would like to add that States Members of the United Nations should come up with similar ideas and approaches at the national, regional and multilateral levels that will generate a massive wave of response to these issues. At the national level and with a view to instituting the necessary legal framework on the subject of terrorism, my Government last October completed a draft anti-terrorism bill that had been on the drafting board since 1999 for presentation to the House of Representatives. Pending the adoption of the said bill, two Government regulations in lieu of law were signed on 18 October to back up Indonesia's efforts against terrorism.

Finally, it is our belief that these issues, as identified by the Secretary-General, dovetail into others that are already being dealt with within the Organization and its agencies, such as issues relating to women and children, small arms and counter-terrorism. We trust that, in working together, adopting the same principles and standards and regularly keeping other members of the team abreast of what is happening, our multilateral system will conquer these problems.

The President (*spoke in Spanish*): The next speaker inscribed on my list is the representative of Timor-Leste. I invite him to take a seat at the Council table and to make his statement.

Mr. Guterres (Timor-Leste): My Government congratulates you, Madame, on your country's assumption of the presidency of this Council. We have no doubt that your experience and dedication will guide the Council in its deliberations at times when difficult decisions are required.

Most gratifying is the presence here today of the Secretary-General and the Director-General of the International Committee of the Red Cross, whose participation underscores the importance of today's deliberations, which could not have been held on a better day — International Human Rights Day.

I would like to commend the Secretary-General for his detailed report (S/2002/1300) on the protection of civilians in armed conflict. At the same time I wish to thank Under-Secretary-General Oshima for his introduction of the report and to welcome the important work done by the United Nations Office for the Coordination of Humanitarian Affairs.

The report reflects the hard work of this Council and the United Nations system and provides a clear roadmap for addressing the challenges of our most vulnerable populations. It addresses the important issues of access, separation and the rule of law and justice. In addition, the inclusion of issues such as sexual exploitation and terrorism is both timely and appropriate.

The Aide Memoire adopted by the Security Council is an essential tool for designing and reviewing peace operation mandates. We would encourage its regular and consistent use for this purpose in the future.

We are looking forward to the regional workshops next year in the Pacific Rim/South-East Asia region. The Government of Timor-Leste is fully committed to participating in this important initiative.

The experience of my own young country exemplifies the need to more effectively protect

civilians in conflict. Too many innocent people have lost their lives in recent years due to violence and starvation.

We thank the Secretary-General for drawing attention to the importance of protecting civilians even in times of transition. Cessation of hostilities, fragile peace agreements and emerging democratic governmental structures require the sustained focus of the international community. Training local government and law-enforcement officials in respect for human rights and the rule of law, providing a secure environment for democratic institutions to emerge and flourish, disarming militias and arranging for the safe return and reintegration of displaced people are challenges that require the sustained effort of the international community throughout the transition period.

The report indicates that much needs to be done to ensure effective protection for millions of civilians affected by conflict. They are the ones who suffer the most in times of conflict and war. It is the primary responsibility of the State to protect its people. In this context, Timor-Leste today, on the occasion of Human Rights Day, ratified core human rights instruments and optional protocols, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. With this ratification, this Convention entered into force 12 years after it was approved.

Ratifying these treaties is one important step towards building a culture of human rights. Implementing them is a task that requires the continued commitment and effort of the Government, non-governmental organizations and civil society alike.

As the newest member of the United Nations, Timor-Leste is strongly committed to the protection and promotion of human rights and will do its utmost to meet international human rights standards in its laws, policies and practices. In this regard, to face the challenges created by the unfortunate events of last week, the Government has established a commission of inquiry, with the participation of civil society representatives. The results of the Commission's work will serve to further strengthen our ability to build conditions for peace and stability, a prerequisite for nation-building and sustainable development.

The Government hopes that all international stakeholders, including the United Nations and its relevant agencies, will lend expertise and technical assistance when necessary to the Government with a view to disseminating the human rights conventions. Such assistance is essential for recovery, reconstruction and reconciliation and will thereby provide a solid foundation as the nation commits to a culture of peace.

In conclusion, I would like to thank the Council for its efforts in the protection of civilians in armed conflict. We fully support and encourage the continued efforts of the international community in addressing the plight of all civilians — women, children and men — who are victims of conflict the world over.

Mr. Listre (Argentina) (*spoke in Spanish*): Madam President, I would like to join the others in expressing my gratitude to you for having organized this debate, which shows the concern of Colombia and his Government, as well as your own concern, for this topic. I would also like to salute our colleague Ambassador Valdivieso, who concludes four years of brilliant action in this Organization, having presided over the Security Council during a month when he has had to deal with some very difficult issues.

This item is important for my country. My country shares the concern for human security. Only in recent years has the Security Council reacted in a sustained fashion to the challenges raised in this area. Three years ago, during the first debate, we had just begun to warn about the need for a systematic treatment of the situation of civilians, pointing out that they were the direct and favourite targets of almost all the factions in the conflicts.

I must also acknowledge Canada for its efforts to ensure that this item receives regular consideration in the Council. Its tenacity is bearing fruit.

The present debate is the fourth regular open meeting of the Security Council on this item. We have before us, and we are proceeding to consider, the third report of the Secretary-General on the protection of civilians in armed conflict. We should remember that in his earlier reports the Secretary-General described the grave situation of civilians and made recommendations for confronting it successfully. The third report shows that today we have managed to establish in the Security Council the systematic treatment of the situation of civilians in armed conflicts. This development can be seen in the applicable norms as well as in the work of the United Nations bodies.

The report now is no longer another compilation of urgent measures that have to be adopted, but rather a progress report — a review of the progress, difficulties and new developments that turn up in the application of these measures. In other words, we have made steady progress towards the establishment of a practice of protecting civilian populations, and this has to be welcomed. Now, we have to focus most of our attention on operative and systematic action.

The report points out that the sustainability of processes in a transition to peace requires practical measures in three key spheres. These measures are increasingly seen as preconditions for lasting peace.

The responsibility of a State in protecting its population is a first point that we would like to reiterate. Already, when the Council first addressed the question, my country focused on this aspect. It is States that have the primary responsibility of respecting, and ensuring respect for, international humanitarian law in all circumstances and with regard for all individuals under their jurisdiction. This is not in conflict with State sovereignty. On the contrary, it is the most natural expression of that sovereignty.

Another problem is raised with the arrival of assistance to needy populations, often hampered by obstructive actions such as blockades and curfews. A central factor is the lack of formal contacts with non-State agents. Therefore it is necessary that humanitarian agents establish systematic contacts with the belligerent factions in order to negotiate important decisions.

This implies that the humanitarian agent must be perceived as being neutral. This can be achieved more easily when dialogue becomes regular and is supported by framework agreements that guide its development. We appreciate the usefulness of the Aide Memoire in this respect, as well as the development of a manual on the conditions that should govern relations with armed groups.

The safety of humanitarian personnel is also relevant in this regard. Like civilians, United Nations staff and associated personnel and humanitarian workers are often direct targets of aggression. This impedes assistance, limits access to populations in need and undermines the efforts of the Organization. Peacekeeping operations should continue to include plans for the protection and safety of personnel, who must also be adequately trained to avoid abuses.

An important legal aspect of the protection of humanitarian personnel involves the responsibility of the host country, to which I have referred. Argentina is working with other members of the United Nations to improve and extend the legal protection stemming from the 1994 Convention. On various occasions, the Security Council has recommended doing the same, including at the open debate held in February 2000 during my country's presidency of the Council.

Separating civilians from armed elements is an increasingly complicated and relevant subject. Experience shows that it is essential to disarm, separate and intern combatants, as well as to offer them work or educational alternatives. It is also necessary to move refugee camps away from borders, where they are exposed to attacks from neighbouring countries, and to help States hosting large groups of refugees. The efforts of civilian police tend to be determining factors in these situations — as my country knows first-hand as a result of its ongoing contributions of significant numbers of civilian police to United Nations peacekeeping missions.

Justice-based national reconciliation is another aspect of the protection of civilians. Conflicts cause great harm to the social fabric of a country that can only be repaired by rendering justice and demonstrating that there is no room for impunity. Efforts in that regard should be geared towards achieving lasting peace on the basis of social reconciliation.

In the last decade, we have tried out various jurisdictional formulas with regard to societies emerging from serious conflict. Tribunals with exclusive jurisdictions were created for very serious crimes committed on a given territory. The Members of the United Nations have also signed an agreement to create an international tribunal. The idea of using national tribunals enjoying international support has also been studied. Finally, the International Criminal Court was established, which entered into force this year and which constitutes a powerful tool to strengthen human rights. Moreover, national reconciliation of a society in conflict can also be manifested through truth commissions. As the Secretary-General has pointed out, all of those tribunals and mechanisms aim at striking a balance between the need to render justice and settle accounts and the pressure that exists to overcome divisions.

Of course, those international jurisdictions do not represent the full range of the administration of justice, as they only address the most serious of crimes and represent a small, albeit most sensitive, part of the overall administration of justice in a given country. Local tribunals must also be strengthened, as they are closely associated with the viability of institutions and the rule of law.

One thing is inescapable, and the Security Council must be very clear about it: reconciliation is impossible where impunity rules the day. There will never be true peace so long as there is impunity.

In conclusion, we have noted the introduction of a new element in the report of the Secretary-General, namely, the mention of the effects of terrorism on the protection of civilian populations. Terrorism is a crime that cannot be justified under any circumstance or for any reason. Attacks aimed at terrorizing civilian populations brutally ignore the rights of civilians. We welcome the inclusion of that recognition in the report. My country is particularly sensitive to this issue. In that respect, I would like to mention the terrorist attacks experienced by the Republic of Argentina in 1992 and 1994, which were directed, respectively, against the Israeli embassy in Buenos Aires and the AMIA Jewish Centre, which is the most important mutual association of Argentine Jewry. The Jewish community was the victim of acts of brutality that claimed over 100 lives and produced thousands of injuries.

The President (*spoke in Spanish*): I thank the representative of Argentina for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Burkina Faso. I invite him to take a seat at the Council table and to make his statement.

Mr. Kafando (Burkina Faso) (*spoke in French*): The topic that you, Madam President, have chosen for today's debate, namely, the protection of civilians in armed conflict, was a well chosen and timely subject, given the alarming events taking place throughout the world, and in Africa in particular. My delegation would like to thank you for giving us this opportunity to share our thoughts on this subject with the members of the Security Council.

First of all, however, we would like to congratulate you, Madam President, on your assumption of the presidency of the Council, and to say how admirably you are discharging your duties. We also wish to extend our gratitude to your predecessor, the Permanent Representative of the People's Republic of China.

Every armed conflict necessarily takes its toll of victims. However, the Geneva Conventions codify conflicts and provide special legal protection for civilians. Current conflicts, especially domestic ones, are usually attributed to political demands or opposition. Their main characteristic today is that civilians, who are potential targets, are extremely vulnerable in those conflicts. For example, many domestic conflicts are merely a way of settling ethnic or tribal rivalries and acting on feelings of religious intolerance. Or, they may just be a way of getting rid of foreign minorities who have been made scapegoats of political or economic failure.

We know that zealous efforts to crush uprisings and opposition often lead political regimes to order, or cover up, excesses and atrocities against civilians. There are many examples of that type of reaction in quite a few African countries. How could one forget the tragedies experienced in Rwanda, the Democratic Republic of the Congo, Sierra Leone, Liberia, Burundi and other countries?

Closer to home, we stand by helpless — if not resigned and aloof — as tragedies unfold in Côte d'Ivoire, where killing fields have been discovered where most of the victims were immigrant workers from the subregion. Both sides accuse and blame one another, but that hardly matters. Above and beyond their contemptible and heinous nature, such actions must be condemned and punished. Protection is supposed to be provided to civilian populations, particularly foreign civilians, who have nothing to do with the conflict in that country.

The preamble to the Universal Declaration of Human Rights states that disregard and contempt for human rights have led to barbaric acts that outrage the human conscience. Let us be clear: what is involved here is human rights. Protecting civilians in armed conflict means taking up the cause of human rights, particularly in a world where the idea of ethnic cleansing has increasing currency.

The duty — or, rather, the responsibility — to provide protection is a sacred duty incumbent upon States and parties to a conflict. States parties to the

four Geneva Conventions are bound by a number of legal provisions whereby violations of international humanitarian law can be punished by sanctions. How international humanitarian law is applied depends on how rigorously States try to ensure respect for that law, whether it be international or internal conflicts, the latter of course implying the adoption of appropriate national legislation. Applying international humanitarian law is a concern of the International Red Cross and Red Crescent, two institutions that we commend and congratulate for their humanitarian work.

However, with the many changes in the international order, and with the increase in the number of security issues, new actors have made their entrance onto the stage, primarily the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to whom we are greatly indebted for their commitment to human dignity.

I would also mention the criminal tribunals for the former Yugoslavia and Rwanda, which will shortly be supplemented by the Sierra Leone court and, especially, the International Criminal Court (ICC). Lastly, I would mention the very important part played by non-governmental organizations working with humanitarian matters. All of these players, in their own way and in solidarity, help to protect civilians in various armed conflicts.

This debate on humanitarian protection brings up the controversy about the need for intervention. In a word, does protection of human rights take precedence over State sovereignty? The Secretary-General tried to respond to this point in his Millennium Report, in which he stated,

> "... if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how *should* we respond to a Rwanda, to a Srebrenica — to gross and systematic violations of human rights that offend every precept of our common humanity?" *(A/54/2000, para. 217)*

The dilemma is a real one. Actually, everything depends on the circumstances and gravity of the situation. Most persons facing this classical tragedy have advocated a reasonable approach. In other words, if it is a planned genocide or a scheduled ethnic cleansing, either by the State or else because the State has been negligent or defiant, then it would be better to intervene, given the situation. But, there is one prerequisite. The Security Council, responsible for maintaining peace and security, must endorse such action. Finally, there is the problem of sanctions. All those who violate humanitarian law, either by omission or by commission, must be responsible for what they have done. State parties to the Geneva Conventions have to include in their criminal legislation the punishable offences with regard to violations of the Conventions.

States have the responsibility to seek persons accused of such violations and bring them to justice or to extradite them to a third country on the basis, of course, of the principle of universal competence, that is, regardless of the nationality of the offender or the place where the offence was committed. Soon this kind of recourse will be broadened to include the International Criminal Court (ICC).

It is essential to punish violations of international humanitarian law in order to deter and punish serious breaches. Recently the High Commissioner on Human Rights, when speaking about the atrocities against and assassinations of civilians in the conflict in Côte d'Ivoire, said that those responsible for atrocities in Côte d'Ivoire must remember that henceforth they are liable to judgement before the ICC.

This anguished appeal by the primary person with responsibility for human rights throws light on the horrible tragedy being played out in Côte d'Ivoire, where civilians, often foreigners, suffer inhuman and degrading treatment and are subject to blind violence, summary execution and arbitrary arrest, on the basis of nationality, ethnic origin and religious intolerance. It is high time for the international community itself to become aware of this and shoulder its responsibilities to ensure better protection for civilians in that country.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): Let me begin by expressing our pleasure at seeing you, Madame Foreign Minister, presiding over this meeting and at seeing Colombia as President of the Security Council for the current month. I would also like to express our appreciation to the Permanent Representative of China and members of his delegation for their wise stewardship of the Council in the past month.

First, I would like to thank the Secretary-General for his report to the Council on the protection of civilians in armed conflict. Also, I would like to

express our satisfaction, because the report contains this time, after omissions in past reports, direct references to the humanitarian situation of Palestinian civilians in the occupied territories. We hope that future reports will reflect in a more accurate and better fashion this important dimension.

There is an international consensus on the existence of a genuine humanitarian crisis endured by Palestinian civilians living under Israeli occupation. There is an international consensus that this crisis arises from the measures and policies enforced by Israel, the occupying Power. Those measures and policies have led directly to the death and injury of civilians and also to destruction of residential homes, commercial enterprises, agricultural crops and physical infrastructure on a broad scale. This is in addition to measures and policies relating to what is called "access", including extended curfews, isolation of population centres, and internal and external closures of communities, all of which have been reported by the Secretary-General in his reference to the report of Madame Bertini, the Special Representative of the Secretary-General for Humanitarian Affairs.

We believe that no one is treated like our people are. What is taking place is the destruction of the entire Palestinian community, the present and future of an entire people. Of course, that involves serious violations and grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and its first Additional Protocol, which involves the commission of committing war crimes and State terrorism, in addition to systematic violations of the human rights of the Palestinian individual.

Against that background, therefore, the international community is dutybound to take specific measures, including bringing the perpetrators of war crimes and other crimes, and their authorities, to justice, to stand trial for their crimes.

We refer now to what others call Israel's right to self defence. While we acknowledge that Israel has the right to take all necessary measures to ensure the prevention of acts of aggression against its citizens within Israel proper, we must, nonetheless, stress that Israel has been present in our occupied territories since 1967 as an occupying Power and, therefore, it must respect the principles of international humanitarian law. More seriously, Israel is engaged in an ongoing war crime of colonization of the Palestinian territories through its settlement activities. We would like to state that those settlers who have been brought to the occupied territories are not civilians. Their presence constitutes the essence of the war crime committed by the occupying Power. Israel is the last colonial Power of contemporary times and, thus, must be condemned and forced to end its current crimes.

The Security Council has, despite repeated attempts, failed for many years to provide protection for the Palestinian people and even to adopt the appropriate international presence in the occupied Palestinian territories, including East Jerusalem, which would certainly have created a different situation for Palestinian civilians. Nonetheless, that does not exempt the Council from fulfilling its obligations under the Charter regarding this issue. Of course, we look forward to that.

The President (*spoke in Spanish*): I thank the Permanent Observer of Palestine for his kind words addressed to me.

I call on Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, to respond to the comments and questions raised.

Mr. Oshima: I would like to express my deep appreciation for the compliments extended to my office, as well as to sister humanitarian agencies and their partners. I would also like to thank Council members for the many encouraging comments and constructive suggestions received today from members and non-members of the Council.

The Secretary-General, in his introductory opening statement, emphasized that what we need most of all is practical action and a clear path from policy to implementation. The Council has clearly demonstrated today its strong and energetic commitment to strengthening the protection of civilians in armed conflict and its resolve to see to it that the policy recommendations we have made are implemented and result in real improvement on the ground for the lives of men, women and children caught up in war. We are very encouraged and inspired by that.

In the light of that, I would like to express my hope and belief that the Council's clear statement of its position, arising from today's deliberations on the protection of civilians, could be an important

development. This meeting underscores the importance the Council attaches to this issue and the priority it receives — and I am confident it will continue to receive — on its agenda. It has emphasized today the importance of treating this issue consistently, across the board, for all countries that are of concern to the Council.

I would like to state my commitment and that of my office to working closely with the members of the Council, Member States, departments and other humanitarian agencies to ensure the most systematic consideration of the protection of civilians. The importance of the respect for and understanding of Governments and all parties to conflict of their obligations under international humanitarian law has been emphasized throughout these discussions. Many of the actions described in the Secretary-General's report will seek to strengthen such understanding, and we will also continue to work with national Governments and relevant regional organizations to reinforce commitments and actions for the protection of civilians.

The roadmap that we are trying to develop has been seen by the Council as a document of critical importance. I believe that we now have the mechanisms to make rapid progress in developing that further, as the Council has requested. We will proceed, in consultation with the members of the Council. The establishment of an implementation group within the Secretary-General's Executive Committee for Humanitarian Affairs, along with the support group that Norway has so kindly convened, will certainly facilitate addressing the ouistanding elements of the roadmap.

In my next briefing to the Council, I intend to submit a completed version of the roadmap. That will clarify the status of the recommendations contained in previous reports. It will identify responsibilities for further action and establish a clear timetable for action where appropriate. That, in essence, will constitute a plan of action for the protection of civilians in armed conflict. I am also heartened by the Council's deliberations that it fully recognizes the value of the Aide Memoire. It is, as the Council has stated, a living document, and I note the areas where it feels that revisions and additional input are required. As has also been noted, Security Council resolutions and mandates have progressively included more language on the protection of civilians in recent years. An updated Aide Memoire will clearly reflect that, as well as new challenges, some of which are mentioned in the Secretary-General's report. In this instance, I propose that we work so as to be able to submit an updated Aide Memoire within the next six months.

I recognize the importance that the Council has attached to continued integration and collaboration in our work with other departments and agencies.

The establishment of standard operating procedures between my office and the Department of Peacekeeping Operations is a first step in this regard. There will be a need to underpin that with common training and a systematic review of areas of joint concern. I hope that you will see the fruits of our collaboration in future briefings to you, as well as in other aspects of our work. In particular, we hope to extend such collaboration to peacekeeping training, where the protection of civilians can provide a useful common basis for support.

I have noted the interest of Council members in more regular reviews of peace operation mandates and other country-specific operations from the viewpoint of the protection of civilians. My office certainly welcomes such initiatives and stands ready to support such review discussions or workshops alongside our colleagues from the Department of Peacekeeping Operations and other relevant United Nations departments and agencies.

Also, I would like to thank the Council for its recognition of the value of regional workshops and to encourage the Council to support my office logistically and financially in facilitating additional such workshops in different parts of the world.

Let me now address some of the specific questions that have been raised. I welcome the suggestion made by the representative of France on the implications of the involvement of terrorists and terrorist organizations on the protection of civilians. The question of terrorism is not reflected in the roadmap, and I believe that it would now be appropriate to identify how it could be updated. The Secretary-General's report committed to undertaking further work on the impact of terrorism on the protection of civilians, including formulating clear guidelines for the future work of the United Nations, which we will do in the coming months. I also wish to acknowledge statements that this issue should be addressed by the Counter-Terrorism Committee of the

Security Council. I believe that through joint action we should be able to identify the key issues for future inclusion.

I am grateful for the support expressed by the United Kingdom for the work of the Office for the Coordination of Humanitarian Affairs (OCHA) and the protection of civilians in armed conflict.

Specifically, in response to the question as to whether, in addition to Operation Lifeline Sudan and the Somalia Aid Coordination Body, which are specifically mentioned in the Secretary-General's report, structured framework agreements on humanitarian access would provide a stronger basis for the protection of civilians. A number of situations immediately come to mind. In Burundi, for example, there have been attempts at a structured framework, but armed non-State actors there have not committed to that framework. Their inclusion would considerably strengthen progress towards an effective transition. A similar situation exists in the Democratic Republic of the Congo, where humanitarian access would be strengthened by a framework shared by all parties to the conflict. Côte d'Ivoire is an emerging situation where there are serious problems for humanitarian access. Here, too, a framework agreement between the conflicting parties on cross-line operations to ensure protection and humanitarian assistance would make a difference. Clearly, there is a lot of work to be done in this area.

With respect to the rule of law, I would like to mention and emphasize the importance of the work that is being done within the framework of the task force on the rule of law established by the Secretary-General's Executive Committee on Peace and Security, chaired by the Department of Peacekeeping Operations. It comprises the practical experiences and expertise of relevant United Nations departments and agencies, including the Department of Political Affairs, the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and OCHA. The creation of the task force reflects the need to learn from lessons and experiences in Bosnia, Kosovo, East Timor and other conflicts.

I look forward to the next opportunity to brief the Council on this issue in country-specific and thematic briefings.

The President (*spoke in Spanish*): I thank Mr. Oshima for his comments and the clarifications that he has provided.

There are no speakers remaining on the list, but I would like to take this opportunity, before concluding, to thank all the delegations that have taken the floor in this debate. The ideas and proposals made today are very important. My country, Colombia, has an ongoing interest in the protection of civilians in armed conflicts. We will attentively follow the activities of the Security Council, even after our participation on the Council has ended. We are very grateful for having had this opportunity to preside over today's meeting and the very important discussions that took place.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.20 p.m.